ADJOURNMENT MOTION

Regarding the Government's decision to put off consideration of the Cultivating Verumpattamdars Bill

"To discuss the grave situation arising out of the Government deciding to put off consideration of the Select Committee Report on the Cultivating Verumpattomdars Bill that was put down on the agenda for 19th Meenam 1115"—Mr. T. K. Nayar.

Mr. President : I have received from Mr. T. K. Nayar notice of an adjournment motion. It was handed in here about quarter past 11, though I don't propose to take objection on that score. I want to remind the hon'ble members that at least to enable the President to find out whether the motion is in order, they will kindly hereafter hand over these motions at least at quarter to 11. The motion is for the adjournment of the House to discuss an urgent matter of public importance to wit, the grave situation arising out of the Government deciding to put off consideration of the Select Committee Report on the Cultivating Verumpattamdars Bill, that was put down on the agenda for 19th Meenam 1115. I would like to hear the hon'ble member as to the question of the admissibility of this motion. No motion was put down in the final agenda that the member in charge is going to move for a reference of the Bill for consideration at all. No doubt, such a motion was put down on the provisional agenda and hon'ble members know that the provisional agenda by its very name is only provisional. The statement that the motion was put down in the final agenda is not accurate. Apart from that, when a Government member introduces a Bill it is perfectly open to him just as it is open to any other private member to choose the time when he would make a particular motion on that Bill. Here, Government introduced a Bill and it was referred to a Select Committee and the Government thought that they have not had sufficient time to consider the report and so the member in charge moved for the postponement of the Bill yesterday. How is it a matter of public importance to warrant a public discussion ?

മിസ്റ്റർ ടി. കെ. നായർ : സർ, എന്റെ അഡ്ജേൺമെന്റ് മോഷൻ ഇവിടെ തരാൻ ഫ ഠ മിനിട്ട വൈകിയെങ്കിലും പ്രസിഡണ്ടവർകൾ ദയവായി അതിനെ സ്വീകരിച്ചതിന് ഞാൻ വളരെ നന്ദിയുള്ളവനാണ്. എനിക്ക് കഴിച്ചുകൂടാത്ത ഒരു കാര്യത്തിനു പോകേണ്ടിവന്നതുകൊണ്ടാണ് ഇത്രയും വൈകിയത്. ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഈ ബില്ലിനെ സംബന്ധിച്ച് ഏതു സമയത്തും എന്തും പ്രവൃത്തിക്കാൻ അധികാരമുണ്ടെന്ന് പ്രസിഡണ്ട് അവർകൾ പറഞ്ഞതിനോട് ഞാനും യോജിക്കുന്നു. ഒരു ഭാഗം പ്രതിപക്ഷത്തുനിന്നു കൊണ്ടുവരുന്ന ബില്ലും ഗവൺമെണ്ടുപക്ഷത്തുനിന്നു കൊണ്ടുവരുന്ന

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ബില്ലും തമ്മിൽ വ്യത്യാസമുണ്ട്. ഗവമ്മെണ്ടുപക്ഷത്തുനിന്നു കൊണ്ടുവരുന്ന ബില്ലിനെ ഞങ്ങൾ കൂടുതൽ ബഹുമാനിക്കും. ഇതു ഗവമ്മെണ്ടുപക്ഷത്തുനിന്നും കൊണ്ടുവന്ന ഒരു ബില്ലാണ്. ഈ ബിൽ നീട്ടിക്കൊണ്ടുപോകുകയാണെങ്കിൽ കുറച്ചു കുഴപ്പങ്ങൾ വരാനുണ്ട് എന്നുള്ള സംഗതി ഗവമ്മെണ്ടിനെ ധരിപ്പിക്കേണ്ട ചുമതലയുള്ളതുകൊണ്ടാണ് ഈ പ്രമേയം ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. ഈ കുടിയാൻബില്ലിൽ ഫ ഫ ഫ ര് ഇടവം മുതൽ അനാവശ്യമായി കുടിയാന്മാരെ ഒഴിപ്പിച്ചിട്ടുള്ള വസ്തുക്കൾ അവക്കുതന്നെ തിരിയെ കൊടുക്കണമെന്നു് ഒരു വകുപ്പു വെച്ചിട്ടുണ്ടു്. ഈ ബിൽ ഇപ്പോൾ പാസ്സാക്കുന്നപക്ഷം ഇതുവരെയുള്ള കുഴപ്പങ്ങൾ തീർന്നു. ബിൽ ഇനിയും നീട്ടിവെക്കുകയാണെങ്കിൽ കുഴപ്പങ്ങൾ കൂടുകയേയുള്ളു. ഈ ബിൽ കൊണ്ടുവരാൻ വരുന്ന കക്കടകത്തിൽ ഒരു പ്രത്യേകദിവസം നിശ്ചയിക്കാത്തപക്ഷം ഫ ഫ ഫ സ്വാഭാവികമായിത്തന്നെ ഇതു വരാൻ ഇടയുള്ളു. അതിനകത്തു് കുടിയാന്മാരെ അനാവശ്യമായി ഒഴിപ്പിക്കുന്ന കേസ്സുകൾ ധാരാളമുണ്ടാകും. അങ്ങിനെയുള്ള ഉപദ്രവങ്ങൾ ജന്മികളിൽനിന്നു കുടിയാന്മാർക്കു് ഇല്ലാതാകാനുള്ള ഒരു മാർഗ്ഗം മാത്രമാണു് എന്റെ അടിയന്തരപ്രമേയം നിർദ്ദേശിക്കുന്നതു്. ഈ തത്വം ഗവമ്മെണ്ടുതന്നെ സമ്മതിച്ചിട്ടുള്ളതാണു്. അതായതു് ഫ ഫ ഫ ര് ഇടവം മുതൽ അനാവശ്യമായി ഒഴിപ്പിക്കുന്ന വസ്തുക്കൾ കുടിയാന്മാർക്കു തിരിയെ കൊടുക്കണമെന്നുള്ളതു്. അതുകൊണ്ടു് ഈ ബിൽ കൊണ്ടുവരുന്നതിനു മുമ്പായി ജന്മികൾ കുടിയാന്മാരെ മനഃപൂർവ്വമായി ഉപദ്രവിക്കാൻ വരുന്നുവെങ്കിൽ അതു കൂടാതെ കഴിച്ചുതരണമെന്നപേക്ഷിക്കാൻ മാത്രമാണു് ഈ പ്രമേയം ഇവിടെ അവതരിപ്പിക്കുന്നതു്. ഇതു് ഗവമ്മെണ്ടിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവന്നു് ഒരു വിളംബരം മൂലം കുഴപ്പങ്ങൾ നിവർത്തിവെക്കണമെന്നു് അപേക്ഷിക്കാൻ മാത്രമാണു് ഈ പ്രമേയം ഇവിടെ അവതരിപ്പിക്കുന്നതു്. ഇത്രയും പറഞ്ഞുകൊണ്ടു് ഈ അടിയന്തിരപ്രമേയത്തെ ഞാൻ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. K. Achyuta Menon *(Diwan Peishkar)*: Even as now stated, I think it is tantamount to a confession that it does not relate to a matter which has been already taken by Government. On the other hand, it is in the nature of a recommendation for a state of things that might arise. I submit that this adjournment motion should be considered in the way in which all adjournment motions are considered. That is to say, before they are allowed to be discussed, they must conform to the rules of the Standing Order. The object of the adjournment motion is to make a recommendation with respect to a state of things which might arise in future. We are here upon the question whether the adjournment motion conforms with the constitution and the Standing Orders and the rules and so stated, there has been no answer on the point on which the President wanted an explanation. It is not upon any matter of urgent importance at all. I am saying that the adjournment motion is not in order, leave alone the object. The object may be something very desirable. But it may not make the adjournment motion itself admissible.

Mr. President: Whether a member wants ultimately to press it, has no bearing on the admissibility of it.

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Mr. K. Achyuta Menon *(Diwan Peishkar):* I am only emphasising that the adjournment motion is not in order, because the statute gives me power as the mover of the Bill under Standing Order 37. Standing Order 37 says after the presentation of the report, I may move that the Bill be taken into consideration. So that it is left to me to move or not; and when I am acting within the rights given to me by the statute, it cannot furnish a ground for moving an adjournment motion. What is the action of the Government on which the member moves the adjournment motion? There must be something which should have occurred before. The question is the mover of the motion must conform to the terms of the Standing Order and under the Standing Order, after I present the Select Committee Report in this session it is left to me to chose my own time for it. Hon'ble members are aware of the drastic changes made in the Bill by the Select Committee, and the Government wants to re-examine the provisions and to find out whether it will continue the legislation or not. Does the hon'ble member mean that the Government should not take any time? And even upon the merits the hon'ble member only stated that courts in the interval will, go on decreeing for surrender. In spite of these decrees, possessions will be restored. Possessions given voluntarily and compulsorily through courts will alike be affected. There are only two alternatives possible. Either the statute will not be passed or the statute will be passed. If the statute is going to be passed the danger apprehended is remedied by the provisions in the statute. On the other hand if ultimately the statute is not passed, nothing happens.

Mr. President: That is, you are going into the merits of the points raised.

Mr. A. B. Salem *(Mattancheri):* May I submit that rule 21, pages 55 and 56, and rule 23 (2) contain the only matters that govern the admissibility of a motion by the President. Rule 21 says that the discussion may be made with the consent of the President. The only thing that has to be looked into is whether it is a matter of urgent public importance. The consequences of the action by the hon'ble member in not moving the Bill is the matter that is brought before the House. That is a matter of urgent public importance which took place only yesterday. That consequence could only arise after the hon'ble member has stated that he does not wish to proceed further with the Bill at this session. Therefore, this is a matter of urgent public importance. It is a definite matter and it is a matter of urgent public importance. Then the only other thing is whether the matter proposed to be discussed is in order. If in the opinion of the President the motion is in order, and if no objection is taken, the President will naturally allow the motion. That is the only point for

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consideration. The consequences of his action can come only at this stage. And it has come at the earliest stage possible. I therefore think that it is in order.

Mr. President : When a Bill is introduced whether the author of it is a private member or a Government member, the rights of the mover of the Bill are governed by the Rules and the Standing Orders. From what Mr. T. K. Nayar has stated, it is clear that he does not question the right of the Revenue Member in adopting any course that he likes or choosing any time that he likes. He also made it clear that it is not his intention in this motion to censure the Government for not moving a particular motion yesterday. His point is this. The consequences of the Revenue Member not making his motion yesterday considered along with the nature of the Bill in question, have created certain difficulties. And it is therefore for me to consider, when a motion of this kind is moved, to decide whether the matter is of public importance and whether it is of any urgency. Any serious inconvenience of the cultivators is certainly a matter of public importance and from what the hon'ble member has stated, I am convinced that it is certainly an urgent matter. But how far it will be possible for the Government to redress the difficulty pointed out by the hon'ble member is not a matter in which we need go just now. But I quite agree that the action of the Revenue Member in not moving the motion has certainly created a situation of urgency and public importance. On these grounds, the motion is certainly in order and it will be taken up for discussion at half past three to-day. I may make it clear that in discussing this motion at half past three hon'ble members cannot actually go into the merits of the provisions of the Bill. The issue must be confined to the specific question raised by the hon'ble member Mr. T. K. Nayar, *viz.*, the inconvenience caused to tenants as a result of the action of certain *jenmis*, and whether it is possible by any action of the Government to obviate that difficulty. It is open to the hon'ble members—Mr. T. K. Nayar and others—to take part in the discussion and to suggest measures by which this difficulty can be remedied.

The Cochin Insolvency Act (Amendment) Bill*

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Insolvency Act (Amendment) Bill be taken up and finally passed.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried

* Vide Appendix I

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